



Federal Communications Commission
Washington, D.C. 20554

EX PARTE OR LATE FILED

October 6, 1998

In Reply Refer to
2000F/PJD

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NOV - 2 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Norman G. Angelo
Fire Chief
Kent Fire Department
24611 116th Avenue, S.E.
Kent, Washington 98031

Dear Chief Angelo:

This is in response to your letter dated August 20, 1998, to U.S. Senator Slade Gorton regarding spectrum for public safety services. Your letter expresses support for providing additional radio spectrum for public safety communications, especially for interoperability. Specifically, you identify three megahertz of spectrum in the 139.0-140.5 MHz and 141.5-143 MHz bands (138-144 MHz band) that NTIA recently identified for reallocation from federal governmental to private and commercial services. You state that the 138-144 MHz band is ideal for public safety communications because it is near to an existing, congested public safety band (150-170 MHz) and existing public safety radios could operate on both bands, which would facilitate interoperability.

The Commission is actively considering these issues. On August 6, 1998, the Commission adopted service rules for the 24 megahertz of spectrum reallocated to public safety services pursuant to the Congressional mandate contained in the Balanced Budget Act of 1997. We are enclosing a news release summarizing the Commission's action in its *First Report and Order and Third Notice of Proposed Rulemaking*, WT Docket No. 96-86. ✓

Briefly, the Commission designated 2.6 megahertz of the new spectrum for nationwide interoperability and announced that it is establishing a National Coordination Committee (NCC) to develop and recommend national standards for operation and use of this spectrum. In the *Third Notice*, the Commission seeks comment on: (1) designating five interoperability channels in existing public safety bands below 512 MHz, including the 150-174 and the 450-512 MHz bands; (2) whether channels in the 138-144 MHz band should be designated for public safety use generally, and interoperability use specifically (a future proceeding will address permanent use of these channels); and (3) redesignating three frequency pairs in the 156-162 MHz band for interoperability in 33 Economic Areas that are now available for public safety use.

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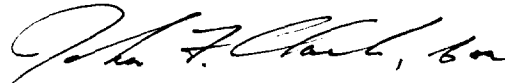
Chief Norman G. Angelo

2.

The Commission is acutely aware of the important role played by public safety communications in protecting life and property. I can assure you that the Commission and this Division are committed to continuing our efforts to see that the critical needs for the spectrum required for this role are met. We have entered your letter into the record of WT Docket No. 96-86.

Thank you for your interest in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "D'wana R. Terry".

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

Enclosure

Copy to:
The Honorable John McCain
Chairman, U.S. Senate Committee on
Commerce, Science, and Transportation



NEWS

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Federal Communications Commission
1919 - M Street, N.W.
Washington, D. C. 20554

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

Report No. WT 98-24

WIRELESS TELECOMMUNICATIONS ACTION

August 6, 1998

FCC ADOPTS RULES FOR LICENSING LARGEST BLOCK OF PUBLIC SAFETY RADIO SPECTRUM EVER ALLOCATED (WT DOCKET 96-86)

Today the Commission adopted rules for licensing the largest block of spectrum ever allocated at one time for public safety services. In a document that includes both a First Report and Order (*First Report*) and a Third Notice of Proposed Rulemaking (*Third Notice*), the Commission establishes service rules for licensing 24 megahertz (MHz) of spectrum in the 764-806 MHz band (referred to as the 700 MHz band), establishes a band plan for use of this spectrum, seeks comment on how to license the remaining portion of the public safety spectrum (8.8 MHz) and on additional proposals to implement effective public safety nationwide interoperability. The *First Report* also announces the Commission's plan to establish a National Coordination Committee that will seek accreditation from the American National Standards Institute (ANSI) and be charged with, among other things, developing national standards for operation and use of the spectrum allocated for nationwide interoperability.

This 24 MHz of spectrum, recently reallocated for public safety use from TV Channels 63, 64, 68 and 69 in the broadcast service, doubles the amount of spectrum available nationally for state and local public safety communications. By this action, the Commission addresses an urgent need for additional public safety radio spectrum, and also designates spectrum to support nationwide interoperability among local, state, and federal entities.

Entities eligible for licensing in this new public safety spectrum in the 700 MHz band include state and local governments and non-governmental organizations specifically authorized by appropriate state or local agencies. In compliance with statutory requirements, federal entities will not be eligible to be licensed in this spectrum, but will have access to the nationwide interoperability channels.

In the rules adopted in the *First Report*, this spectrum is channelized into narrowband and wideband channels that will accommodate voice, data, image, high speed data and video transmissions. From the 24 MHz of spectrum in the 700 MHz band, the Commission designates 12.6 MHz for general use and 2.6 MHz for nationwide interoperability purposes among all public safety agencies. In addition, in the *Third Notice*, the Commission seeks comment on how to license the remaining 8.8 MHz.

In the *First Report*, the Commission announces that it will establish a National Coordination Committee under the Federal Advisory Committee Act (FACA) to provide a national structure to establish standards for coordinated spectrum use, particularly for interoperability purposes. The

major responsibilities of this Committee will be to: (1) formulate a national interoperability plan for Commission review and approval; (2) develop standards pursuant to ANSI guidelines for the interoperability channels, including potentially standards for digital modulation and trunking; (3) provide voluntary assistance in the development of coordinated regional plans; and (4) provide recommendations to the Commission on technical matters that are common to the public safety community as a whole.

Other provisions adopted in the *First Report* include: (1) continuing to rely on the Regional Planning Committee process for planning use of approximately one half of the 24 MHz, but allowing a degree of flexibility for reformation of Regional Planning Committee boundaries; (2) giving Regional Planning Committees the responsibility for developing plans for the efficient and effective use of the 12.6 MHz of general use spectrum in this band; (3) adopting plans for technical standards providing the minimum necessary constraints that meet reasonable goals for nationwide interoperability, spectrum use efficiency and interference protection; (4) designating the four certified public safety frequency coordinators as eligible to provide frequency coordination in the 700 MHz band in order to provide competition among coordinators and market incentives for lower coordination fees and quality service; (5) protecting analog TV and DTV stations from harmful interference; and (6) requiring that licensees authorized to operate within 75 miles of the Canadian and Mexican borders be subject to the condition that no interference is caused to television reception in those countries and that their authorization also be subject to any further conditions imposed by final agreements or treaties concluded between the United States and those countries.

In the *Third Notice*, the Commission seeks comment on how to license the remaining 8.8 MHz. Specifically the Commission asks whether some or all of the 8.8 MHz should be licensed directly to each state for deployment of statewide systems, or whether it should be given to the Regional Planning Committees along with the 12.6 MHz general use spectrum addressed in the *First Report*. The *Third Notice* also seeks comments on any alternative proposals for use and licensing of the 8.8 MHz. In addition, the *Third Notice* seeks comment on whether to permit each state to administer the nationwide interoperability frequencies (2.6 MHz of spectrum) pursuant to the national interoperability plan to be established by the National Coordination Committee. Lastly, the *Third Notice* proposes and seeks comment on: (1) designating five interoperability channels in existing public safety bands below 512 MHz, including the 150-174 and the 450-512 MHz bands; (2) whether channels in the 138-144 MHz bands should be designated for public safety use generally, and interoperability use specifically (a future proceeding will address permanent use of these channels); (3) redesignating three frequency pairs in the 156-162 MHz band for interoperability in 33 Economic Areas that are now available for public safety use; and (4) establishing technical solutions to address possible interference problems to global navigation satellite systems.

Actions by the Commission, August 6, 1998, by *First Report and Order and Third Notice of Proposed Rulemaking* (FCC 98-191). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani.

-FCC-

News Media contact: Meribeth McCarrick at 202-418-0654


Wireless Telecommunications Bureau contact: John Clark at (202) 418-0680

j:\congress\pubsafty\9807432b

CC:

PSPWD

OLIA

J. Alford (please enter into Docket 96-86) 

P. Daronco

G. Coffman

Julius Knapp, OET (re: RM-9274)

OCT. 2, 1998 7:50AM
09/30/98 WED 18:03 FAX FCC OLIA

WT Docket 96-86
NO. 534 P. 2/6

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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-8125

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NOV - 2 1998

September 30, 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Office of Legislative
and Intergovernmental Affairs
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY DUPLICATE

Dear OLIA:

I have enclosed an inquiry which I have received from Senator Slade Gorton, a member of the Senate Commerce Committee. Senator Gorton has received letters from Mayor John Talbott of Spokane, Washington, and Fire Chief Norman G. Angelo of Kent, Washington. Senator Gorton's constituents are interested in the possibility of obtaining additional spectrum resources for public safety organizations.

Please have Commission staff evaluate their concern and the attached material in full compliance with your existing statutory, regulatory, and ethical guidelines. Please send a prompt response addressing this issue directly to Senator Gorton's constituents, and provide me with a copy of the response for my records. Given the short period of time left until adjournment of the 105th Congress, please respond no later than October 6, 1998.

Let me emphasize that I seek no preferential treatment for any single interest in this matter, and ask only that you afford Senator Gorton's constituents fair and equitable treatment consistent with the public interest.

Please send the copy to the attention of Kevin Krufky at the Senate Commerce Committee.

Sincerely,


JOHN MCCAIN
Chairman

JM/kmk

August 24, 1998

The Honorable George Nethercutt
920 W. Riverside
Suite 594
Spokane, Washington 99201

The Honorable Slade Gordon
920 W. Riverside
Suite 697
Spokane, Washington 99201



The Honorable Patty Murray
601 W. First Avenue
Suite 506
Spokane, Washington 99201

JOHN TALBOTT, MAYOR

Dear Honorable Representatives:

We are writing to urge you and your colleagues to give careful consideration to the provision of additional radio spectrum for public safety communications, especially interoperability. The spate of natural disasters over the past year has increased the concern we identified in last year's Balanced Budget Act, P.L. 105-33, over the need to ensure additional spectrum to provide interoperability between and among public safety communications systems, to provide relief from highly congested frequency bands, and to enable public safety agencies to upgrade their communications systems.

We believe a portion of the band identified by the National Telecommunications and Information Administration (NTIA) might be an ideal opportunity. Title III of the new Act required the NTIA to identify 20 MHz of spectrum below 3 GHz for reallocation by the FCC for private and commercial services. This spectrum is in addition to the radio spectrum recently made available to public safety from TV channels 60-69 at the upper end of the UHF television band, also pursuant to the Budget Act. Pursuant to its duties, NTIA has recently identified for reallocation 3 MHz of radio spectrum in the 138-144 MHz band (139.0-140.5 MHz and 141.5-143 MHz), but not until 2008. This spectrum, currently assigned for military use, is free of government use and therefore available for private use in many parts of the county today.

The 138-144 MHz radio band is ideal for public safety communications. It is close to the nearby 150-170 MHz band, which is the principal—but highly congested—band for fire, police, forestry, highway and other public safety communications across the county. Thus, the equipment is relatively low in cost, and the frequencies provide excellent propagation characteristics for mobile/portable radio systems.

We cannot overemphasize the importance of securing this additional radio spectrum for interoperability of our nation's public safety communications systems. All too often, public safety personnel from different jurisdictions, and even different agencies within the same jurisdictions, are unable to communicate with each other when responding to

Honorable Representatives
August 24, 1998
Page Two

emergencies. This problem occurs largely because of the incompatibility of radio equipment operating on different frequencies. The creation of a "Public Safety Interoperability Band" utilizing spectrum technically close enough to existing public safety bands could allow for the manufacture of radios capable of operating on existing and new spectrum allocations. Reallocating a portion of the 138-144 MHz band for the establishment of a "Public Safety Interoperability Band" and to supplement other critical functions, would greatly improve our Nation's public safety communications systems.

Sincerely


JOHN TALBOTT
Mayor

cc: Don Roberson, Fleet Services, Spokane, Washington
Jeff Colliton, Chairman, Public Safety Committee
Dave Byrnes, EMS, Spokane, Washington

CITY OF KENT



Jim White, Mayor

August 20, 1998

The Honorable Slade Gorton
United States Senate
730 Hart Senate Office Building
Washington, DC 20510

JLB

Dear Senator Gorton:


We are writing to urge you and your colleagues to give careful consideration to the provision of additional radio spectrum for public safety *frequency allocation* communications, especially interoperability. The series of natural disasters over the past year has increased the concern we identified in last year's Balanced Budget Act, P.L. 105-33, over the need to ensure additional spectrum to provide interoperability between and among public safety agencies to upgrade their communications systems. In the City of Kent, we face a significant potential for disasters, natural and man made. We need to have police and fire agencies able to communicate with other public agencies that must be interoperable in their communications - e.g. public works, utilities, school districts during disasters.

We believe a portion of the band identified by the National Telecommunications and Information Administration (NTIA) might be an ideal opportunity. Title III of the new Act required the NTIA to identify 20 MHz of spectrum below 3 GHz for reallocation by the FCC for private and commercial services. This spectrum is in addition to the radio spectrum recently made available to public safety from TV channels 60-69 at the upper end of the UHF television band, also pursuant to the Budget Act. Pursuant to its duties, NTIA has recently identified for reallocation 3 MHz of radio spectrum in the 138-144 MHz band (139.0-140.5 MHz and 141.5-143 MHz), but not until 2008. This spectrum, currently assigned for military use, is free of government use and therefore available for private use in many parts of the country today.

The Honorable Slade Gorton
United States Senate
Page 2
August 20, 1998

We cannot over emphasize the importance of securing this additional radio spectrum for interoperability of our nation's public safety communications systems. All too often, public safety personnel from different jurisdictions, and even different agencies within the same jurisdiction, are unable to communicate with each other when responding to emergencies. This problem occurs largely because of the incompatibility of radio apparatus operating on different frequencies. The creation of a additionally needed "Public Safety Interoperability Band" utilizing spectrum technically close enough to existing public safety bands could allow for the manufacture of radios capable of operating on existing and new spectrum allocations. Reallocating a portion of the 138-144 MHz band for the establishment of a "Public Safety Interoperability Band," and to supplement other critical functions, would greatly improve our Nation's public safety communications systems.

Sincerely,


Norman G. Angelo
Fire Chief
Kent Fire Department
24611 116th Avenue SE
Kent, WA 98031
(253) 859-3322

jco